

JUDGE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	NO. CR 08-134 RSL
)	CR 11-411 RSL
Plaintiff,)	
)	
vs.)	DEFENDANT'S SENTENCING
)	MEMORANDUM
BOBBY BEASLEY,)	
)	
Defendant.)	

Mr. Beasley will appear before this Court on April 20, 2012, at 9:00 a.m. At that hearing, Mr. Beasley respectfully requests this Court sentence him to time served on the new criminal matter (CR 11-411) and 24 months on his pending supervised release violations (CR 08-134) which are based on the same conduct.

I. BACKGROUND

On October 31, 2008, this Court sentenced Mr. Beasley to 37 months in prison, followed by 3 years of supervised release. Mr. Beasley began his supervised release in 2010 and initially did well, caring for his two young daughters while he sought to re-establish his social security benefits and applied to South Seattle Community College to further his education.

Mr. Beasley's progress came to a halt when he was arrested over a year ago, on

1 March 11, 2011, and charged in state court with robbery. Because Mr. Beasley was
 2 facing charges in both state and federal court, and because the parties recognized the
 3 benefit of continuing Mr. Beasley on federal supervision, a global resolution was
 4 reached whereby Mr. Beasley (1) plead guilty to second degree robbery in state court
 5 and was sentenced to 41 months in custody; (2) admitted violating his federal
 6 supervised release and will recommend a sentence of 24 months consecutive to his
 7 state sentence; and (3) plead guilty to a new federal crime and will request no
 8 additional time in custody, but a new 3-year term of supervised release.

9 If this Court follows the parties' recommendations, Mr. Beasley will serve a
 10 total of 65 months in custody followed by 3 years of federal supervision.

11 **II. OBJECTIONS TO THE PRESENTENCE REPORT**

12 In calculating Mr. Beasley's Criminal History Category (CHC), the Presentence
 13 Report erroneously adds 3 criminal history points for Mr. Beasley's 2011 state robbery
 14 conviction. PSR ¶ 60. With these 3 additional points, Mr. Beasley falls in Criminal
 15 History Category V. Because the robbery charge was part of the offense conduct
 16 related to the instant offense, however, this conviction should not receive an additional
 17 3 points. *See* U.S.S.G. § 4A1.2(a)(1) (defining prior sentence as any sentence imposed
 18 "for conduct not part of the instant offense"). Excluding those 3 points, Mr. Beasley
 19 has a total of 8 criminal history points and a CHC of IV, and the advisory guideline
 20 range is 6 to 12 months in custody.

21 **III. SENTENCING RECOMMENDATION**

22 As stipulated by the parties, a sentence of time served for the charge of
 23 possession with intent to distribute marijuana, followed by 24 months in custody for
 24 the pending supervised release violations is sufficient, but not greater than necessary to
 25 comply with the statutory purposes of sentencing set forth in 18 U.S.C. § 3553(a).

26 The proposed sentence will be almost twice as long as the previous sentence this

1 Court imposed on Mr. Beasley, which had been by far his longest. Moreover, as
2 anticipated by the parties, this sentence will guarantee Mr. Beasley is again closely
3 supervised upon his release and provided the guidance and resources of the probation
4 office.

5 Mr. Beasley has used his time in custody thus far to focus on creating positive
6 plans for his future. His primary goal upon release is to be a reliable father to his two
7 young daughters. He also hopes to return to school, so that he can further his
8 education and become gainfully employed to support his children. In order to
9 accomplish these goals, Mr. Beasley is contemplating living with relatives outside of
10 the Seattle area so that he is removed from negative influences from his past.

11 Mr. Beasley is still only 23 years old. He fully understands that his future is in
12 his hands and he looks forward to fulfilling his dreams, both for himself and for his
13 children.

14 **IV. CONCLUSION**

15 Mr. Beasley respectfully requests a sentence of time served for the new criminal
16 charge to run concurrent to his state court sentence, followed by a new 3-year term of
17 supervised release, and a sentence of 24 months for his pending supervised release
18 violations. Mr. Beasley further requests a judicial recommendation for placement at

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26

1 FDC SeaTac so that he may have visitation from family members, especially his
2 children.

3 DATED this 17th day of April 2012.

4 Respectfully submitted,

5 *s/ Nancy Tenney*
6 Nancy Tenney, WSBA No. 35304
7 Attorney for Bobby Beasley
8 Federal Public Defender's Office
9 1601 Fifth Ave., Suite 700
10 Seattle, WA 98101
11 206/553-1100
12 206/553-0120
13 nancy_tenney@fd.org

CERTIFICATE OF SERVICE

I hereby certify that on April 17, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Vincent Lombardi
Assistant United States Attorney
700 Stewart Street, Suite 5220
Seattle, WA 98101

I also certify that I e-mailed the document to the following non-CM/ECF participant: U.S. Probation Officer Andrew J. Lorenzen.

s/ Nancy Tenney
Nancy Tenney, WSBA No. 35304
Attorney for Bobby Beasley
Federal Public Defender's Office
1601 Fifth Ave., Suite 700
Seattle, WA 98101
206/553-1100
206/553-0120
nancy_tenney@fd.org

2nd Letter
1-17-12

To: Honorable Judge Lasnik
From: Bobby Beasley

Dear Honorable Judge Lasnik,

As I sit here before you, I would first like to apologize again for my actions & to everyone I let down. First & foremost the decisions I make & have made in life is nobody's fault but mine, but it does & has taken effect on the most important things & people in my life. This entire situation has really been a reality check & eye opener, and I do take full responsibility for my actions and am here to accept them today, Your Honor. I am fully aware that I've made some/a lot of mistakes in my young life. And I've also made a lot of self improvement. If you at all find it in your heart to give me some leniency, I will not let my kids, family, you or myself down. Everyone has choices & choices come with consequences. I am not and far from perfect & have made mistakes, but it's how you change, learn and grow from the wrong ones & doings. From now on, I just want my actions & choices to be good in life so I can have something & be somebody. Yes, it's very hard, but this is not the life I wanna live. Again, I totally apologize & regret my actions. Please know, I don't claim to be a perfect person & I recognize my faults. I can only appeal to your sense of fairness. I bump my head & made unthinkable mistakes, but I just wanna get this over with, put it behind me, and be the man I need to, wanna be and am supposed to be for me and my family.

Thank you for your time.

Sincerely,

Bobby Beasley

2ND
LETTER

To: Honorable Judge Lasnik
From: Bobby Beasley

1-17-12

DEAR Honorable Judge Lasnik,

As I sit here before you, I would first like to apologize again for my actions: to everyone I let down. First: for most the decisions I have made in life is nobody's fault but mine, but it does: has taken effect on the most important things: people in my life. This entire situation has really been a reality check: eye opener, and I do take full responsibility for my actions and I'm here to accept them today with honor. I am fully aware that I've made some/lot of mistakes in my young life, and I've also made alot of self improvement. If you at all find it in your heart to give me some leniency, I will not let my kids, family, you or myself down. Everyone has choices: choices come complete with consequences, and not and far from perfect: have made mistakes, but its how far change, learn, and grow from the wrong ones: things. From now on, I just want my actions: choices to be good in life so I can have something: be somebody. It's its very hard, but this is not the life I wanna live.

Again, I truly apologize: regret my actions. Please know, I don't claim to be a perfect person: I recognize my faults. I can only appeal to your ^{sense} of fairness. I bump my head: made unthinkable mistakes, but I just wanna get this over with, put it behind me, and be the man I need to, wanna be, and am supposed to be for me: my family. "Sincerely"

Thank you for your time.

Bobby Beasley

Dear Judge Lasnick

April 28, 2011

I am ashamed and sorry to be writing to you again and for my coming appearance before Your Honor on violation of my probation. I have no excuse for the violations. I have been working very hard to create a productive and honest life. I have applied and been accepted to Seattle Central Community College where I am going to study computer drafting and business.

Judge Lasnick, I have stayed clean and sober since my release. I am the caregiver for my 2 young daughters ages 6 and 3. I never missed an appointment or failed to come in when called. These are not excuses, just facts. Your Honor, I am determined to lead a good, honest life as a family man.

I want to apologize once again to Your Honor and I ask that you find the strength to help me continue down my path of recovery and good in whatever way you find best and fit. I appreciate your time and thoughtfulness and once again apologize for being in front of you once again and for the actions that led to my appearance here.

Thank you,

Bobby Bernard Beasley
38292-086

Dear Judge Tasmich April 28th,
2011

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Bobby Bernard Beasley
38292-086